

1 IN THE UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF ARKANSAS
3 CENTRAL DIVISION

4 JANA O'DELL PLAINTIFF

5 V CASE NO. 4:21-CV-260-LPR

6 QUALSCRIPT, LLC, et al. DEFENDANTS

7
8
9
10
11 NONAPPEARANCE VIA ZOOM OF

12 JANA O'DELL

13 February 15, 2022, at 1:30 p.m.

14
15
16
17
18
19
20
21
22
23
24
25

Page 1

1 A P P E A R A N C E S
2

3 ON BEHALF OF THE DEFENDANTS:

4 STUART JACKSON, ESQUIRE
5 WRIGHT, LINDSEY & JENNINGS
6 200 WEST CAPITOL AVENUE, SUITE 2300
7 LITTLE ROCK, AR 72201
8 501-371-0808
9 WJACKSON@WLJ.COM

10 ON BEHALF OF THE PLAINTIFF:

11 APRIL RHEAUME, ESQUIRE
12 SANFORD LAW FIRM, PLLC
13 10800 FINANCIAL CENTRE PARKWAY, SUITE 510
14 LITTLE ROCK, AR 72211
15 501-221-00
16 APRIL@SANFORDLAW.COM

17 ALSO IN APPEARANCE:

18 HOLLY JOHNSON, VIDEOGRAPHER
19 MEGAN KING, VERITEXT
20 GAYLE FAGETTI, DEFENDANT
21 PAT MCCARVER, DEFENDANT
22
23
24
25

EXHIBITS IDENTIFIED

(None Marked)

STIPULATIONS

IT IS HEREBY AGREED AND STIPULATED by the parties in the above cause, through their attorneys of record, that the testimony given commencing on February 15, 2022, at 1:30 p.m., before Cris M. Brasuell, CCR, pursuant to the terms and provisions of the Federal Rules for use as permitted by the Rules shall be transcribed by the reporter.

WHEREUPON, there being no further stipulations, the following proceedings were had and done, to wit:

P R O C E E D I N G S

MR. JACKSON: Okay. This is Stuart Jackson. I'm with Wright, Lindsey, and Jennings, and I represent the defendants.

And, April, tell me if I get this wrong. I understand that Ms. O'Dell is in the hospital with her father and had originally planned to attend by video link from the hospital. There's some sort of issue; it's not working.

10 So we are rescheduling this deposition
11 until 1:30 tomorrow afternoon.

MS. RHEAUME: That is almost precise. My client intended to be home in time to have a good connection but is unable to do it from the hospital, which would have been a backup, because she did not expect to be there.

17 MR. JACKSON: Let me ask you this, April.
18 I mean, is it like a matter of like 30 minutes
19 that she could -- or is it kind of an
20 all-afternoon thing that is going to keep her
21 out?

22 MS. RHEAUME: She does not know,
23 unfortunately. Which is why she's arranging
24 tomorrow for her not to be the person who is
25 going to be there.

1 MR. JACKSON: Okay.

2 I mean, how far is she from the hospital?

3 Do you have a sense? I mean, I think that --

4 MS. RHEAUME: I -- no. I didn't ask. I
5 can probably find out, but I don't know.

6 MR. JACKSON: So, if y'all would, please
7 verify the availability of the camera and video
8 and all that.

9 You know, like I said, a Zoom video
10 without -- or a Zoom deposition without Zoom is
11 like a phone, glorified phone deposition.

12 And I'd rather -- if we can't do it in
13 person -- I certainly get why that is. I mean,
14 I totally get that.

15 But, if we can't do it in person, I do
16 want to have video of the deposition.

17 MS. RHEAUME: Yes. And we want to do the
18 video deposition. So I just apologize. This
19 was unexpected.

20 MR. JACKSON: Okay. Well, those kind of
21 things happen.

22 That's all I have to say for the record.

23 April, anything to close out?

24 MS. RHEAUME: No. I think that's
25 everything for me too on behalf of the

1 plaintiff.

2 (WHEREUPON, the proceedings were concluded

3 in the matter at 1:35 p.m.)

4 * * * * *

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 C E R T I F I C A T E

2 STATE OF ARKANSAS)

3))

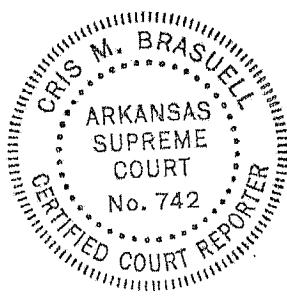
3 COUNTY OF PULASKI)

4 I, CRIS M. BRASUELL, Certified Court Reporter and
5 Notary Public do hereby certify the proceedings which
6 appear in the foregoing pages are the proceedings taken
7 by me verbatim through the use of the voice-writing
8 method and was thereafter reduced to typewritten form
9 under my supervision; that the foregoing pages contain a
10 true and correct record of the testimony given held to
11 the best of my ability, along with all items of evidence
12 admitted hereto.

13 I FURTHER CERTIFY, that I am not a relative or
14 employee of any attorney or employed by the parties
15 hereto, nor financially interested or otherwise, in the
16 outcome of this action, and that I have no contract with
17 any parties within this action that effects or has a
18 substantial tendency to affect impartiality, that
19 requires me to relinquish control of an original
20 transcript or copies of the transcript before it is
21 certified and delivered to the custodial attorney, or
22 that requires me to provide any service not made
23 available to all parties in the action.

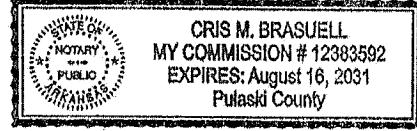
24

16 WITNESS MY HAND AND SEAL this 15th day of February,
17 2022.



24 *Cris M. Brasuell*
25 CRIS M. BRASUELL, CCR
26 Arkansas State Supreme Court
27 Certified Court Reporter No. 742

24 My Commission Expires:
25 August 16, 2031



[& - impartiality]

&	admitted 8:8 affect 8:11 afternoon 5:11,20 agreed 4:2 al 1:8 apologize 6:18 appear 8:5 appearance 2:14 appearances 3:3 april 2:9,12 5:5,17 6:23 ar 2:5,11 arkansas 1:1 8:2 8:21 arranging 5:23 attend 5:8 attorney 8:9,13 attorneys 4:3 august 8:24 availability 6:7 available 8:14 avenue 2:5	certify 8:4,9 client 5:13 close 6:23 commencing 4:4 commission 8:24 concluded 7:2 connection 5:14 contain 8:6 contract 8:10 control 8:12 copies 8:12 correct 8:7 county 8:3 court 1:1 3:6 8:4 8:21,21 cris 4:5 8:4,20 custodial 8:13 cv 1:6	exhibits 3:8 expect 5:16 expires 8:24
1			f
1 3:2 10800 2:10 15 1:14 4:4 15th 8:16 16 8:24 1:30 1:14 4:5 5:11 1:35 7:3			f 8:1 fagetti 2:17 far 6:2 father 5:7 february 1:14 4:4 8:16 federal 4:6 financial 2:10 financially 8:10 find 6:5 firm 2:10 following 4:10 foregoing 8:5,6 form 8:6 further 4:9 8:9
2			g
2 3:3 200 2:5 2022 1:14 4:4 8:17 2031 8:24 2300 2:5 260 1:6			g 5:1 gayle 2:17 given 4:4 8:7 glorified 6:11 going 5:20,25 good 5:14
3			h
30 5:18			hand 8:16 happen 6:21 held 8:7 hereto 8:8,10 holly 2:15 home 5:13 hospital 5:6,8,15 6:2
4			i
4 3:4 4:21 1:6			identified 3:8 impartiality 8:11
5			
5 3:5 501-221-00 2:11 501-371-0808 2:6 510 2:10			
7			
72201 2:5 72211 2:11 742 8:21			
8			
8 3:6			
a			
ability 8:7 action 8:10,11,14			

[intended - working]

intended 5:13	number 3:2	record 4:3 6:22 8:7	tendency 8:11
interested 8:10	o	reduced 8:6	terms 4:6
issue 5:9	o 4:1 5:1	relative 8:9	testimony 4:4 8:7
items 8:7	o'dell 1:4,13 5:6	relinquish 8:12	thing 5:20
j	okay 5:2 6:1,20	reporter 4:8 8:4 8:21	things 6:21
jackson 2:4 5:2,3 5:17 6:1,6,20	original 8:12	reporter's 3:6	think 6:3,24
jana 1:4,13	originally 5:7	represent 5:4	time 5:13
jennings 2:4 5:4	outcome 8:10	requires 8:12,13	tomorrow 5:11,24
johnson 2:15	p	rescheduling 5:10	totally 6:14
k	p 2:1,1 4:1 5:1	rheaume 2:9 5:12 5:22 6:4,17,24	transcribed 4:7
keep 5:20	p.m. 1:14 4:5 7:3	rock 2:5,11	transcript 8:12,12
kind 5:19 6:20	pages 8:5,6	rules 4:6,7	true 8:7
king 2:16	parkway 2:10	s	typewritten 8:6
know 5:22 6:5,9	parties 4:2 8:9,11 8:14	s 2:1 4:1,1 5:1	u
l	pat 2:17	sanford 2:10	u 4:1
I 4:1	permitted 4:7	sanfordlaw.com	unable 5:14
law 2:10	person 5:24 6:13 6:15	2:12	understand 5:6
lindsey 2:4 5:3	phone 6:11,11	seal 8:16	unexpected 6:19
link 5:8	plaintiff 1:4 2:8 7:1	sense 6:3	unfortunately 5:23
little 2:5,11	planned 5:7	service 8:13	united 1:1
llc 1:8	please 6:6	sort 5:9	use 4:6 8:5
lpr 1:6	pllc 2:10	state 8:2,21	v
m	precise 5:12	states 1:1	v 1:6
m 4:5 8:4,20	probably 6:5	stipulated 4:2	verbatim 8:5
marked 3:9	proceedings 3:5 4:10 7:2 8:4,5	stipulation 3:4	verify 6:7
matter 5:18 7:3	provide 8:13	stipulations 4:9	veritext 2:16
mccarver 2:17	provisions 4:6	stuart 2:4 5:2	video 5:8 6:7,9,16 6:18
mean 5:18 6:2,3 6:13	public 8:4	style 3:2	videographer 2:15
megan 2:16	pulaski 8:3	substantial 8:11	voice 8:5
method 8:6	pursuant 4:5	suite 2:5,10	w
minutes 5:18	q	supervision 8:6	want 6:16,17
n	qualscript 1:8	supreme 8:21	west 2:5
n 2:1 3:1 4:1 5:1	r	t	wit 4:10
nonappearance 1:12	r 2:1 5:1 8:1	t 4:1,1 8:1,1	witness 8:16
notary 8:4		taken 8:5	wjackson 2:6
		tell 5:5	wlj.com 2:6
			working 5:9

[wright - zoom]

wright	2:4 5:3
writing	8:5
wrong	5:5
	x
x	3:1
	y
y'all	6:6
	z
zoom	1:12 6:9,10 6:10

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

- (1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:
- (A) to review the transcript or recording; and
- (B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate.

The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

JANA O'DELL, Individually and on
Behalf of All Others Similarly Situated

PLAINTIFF

VS. NO. 4:21-CV-260-LPR

QUALSCRIPT, LLC, GAYLE FAGGETTI
and PAT McCARVER

DEFENDANTS

ITEMIZED BILL OF COSTS

Date	Description	Cost
2/28/22	Deposition of Jana O'Dell – Court Reporter Fee	\$347.80 ¹
3/5/22	Deposition of Jana O'Dell – Video Service Fee	\$250.00
3/6/22	Deposition of Jana O'Dell – Transcript Copy Fee	\$715.90
3/10/22	Deposition of Jana O'Dell – Video Copy Fee	\$375.00
4/7/22	Deposition of Gayle Faggetti – Transcript Copy Fee	\$67.60 ²

Grand Total: \$1,756.30

¹ Ms. O'Dell was unable to appear for her deposition on the original date and time agreed to by counsel, and her counsel did not alert defense counsel about her inability to appear until the set time for the deposition.

² Defendants were charged \$135.20 for Ms. Faggetti's deposition transcript. However, the deposition was taken in the instant case as well as a related action, *Wolfe v. Qualscript, et al.*, Case No. 4:21-CV-774-LPR (E.D. Ark.). Therefore, defendants are only seeking reimbursement for half of the cost related to Ms. Faggetti's deposition transcript in this case.

18656-7972

Bushman Reporting, A Veritext Company

Tel. 800-556-8974 Email: Cs-ar@veritext.com
 Fed. Tax ID: 20-3132569



Bill To: Stuart Jackson
 Wright Lindsey & Jennings LLP
 200 W Capitol Ave
 Ste 2300
 Little Rock, AR, 72201-3605

Invoice #: 5605761
Invoice Date: 2/28/2022
Balance Due: \$347.80

Case: O'dell, Jana v. Qualscript, LLC, Et Al. (4:21CV260LPR)

Proceeding Type: Depositions

Job #: 5086923 | Job Date: 2/15/2022 | Delivery: Normal

Location: Little Rock, AR

Billing Atty: Stuart Jackson

Scheduling Atty: Stuart Jackson | Wright Lindsey & Jennings LLP

Witness: Jana O'Dell	Quantity	Amount
Original with 1 Certified Transcript	13.00	\$137.80
Veritext Virtual Primary Participants	2.00	\$50.00
Litigation Package-Secure File Suite	1.00	\$35.00
Exhibit Share	1.00	\$25.00
	Quantity	Amount
Attendance (First 2 Hours)	1.00	\$100.00

Notes:	Invoice Total: \$347.80
	Payment: \$0.00
	Credit: \$0.00
	Interest: \$0.00
	Balance Due: \$347.80

TERMS: Payable upon receipt. Accounts 30 days past due will bear a finance charge of 1.5% per month. Accounts unpaid after 90 days agree to pay all collection costs, including reasonable attorney's fees. Contact us to correct payment errors. No adjustments will be made after 90 days. For more information on charges related to our services please consult <http://www.veritext.com/services/all-services/services-information>



AP27729

Pay by Check - Remit to:
 Veritext
 P.O. Box 71303
 Chicago IL 60694-1303
 Fed. Tax ID: 20-3132569

Pay By ACH (Include invoice numbers):
 A/C Name: Veritext
 Bank Name: BMO Harris Bank
 A/C #: 4353454 ABA: 071000288
 SWIFT: HATRUS44
 Pay by Credit Card: www.veritext.com

Invoice #: 5605761
Invoice Date: 2/28/2022
Balance Due: \$347.80

18456-79721 WSS

Bushman Reporting, A Veritext Company

Tel. 800-556-8974 Email: Cs-ar@veritext.com
 Fed. Tax ID: 20-3132569



Bill To: Stuart Jackson
 Wright Lindsey & Jennings LLP
 200 W Capitol Ave
 Ste 2300
 Little Rock, AR, 72201-3605

Invoice #: 5623145
Invoice Date: 3/5/2022
Balance Due: \$250.00

Case: O'dell, Jana v. Qualscript, LLC, Et Al. (4:21CV260LPR)

Proceeding Type: Depositions

Job #: 5086923 | Job Date: 2/15/2022 | Delivery: Normal

Location: Little Rock, AR

Billing Atty: Stuart Jackson

Scheduling Atty: Stuart Jackson | Wright Lindsey & Jennings LLP

Witness: Jana O'Dell	Quantity	Amount
Video - Initial Services	1.00	\$125.00
Video - Additional Hours	1.00	\$125.00
Notes:	Invoice Total:	\$250.00
	Payment:	\$0.00
	Credit:	\$0.00
	Interest:	\$0.00
	Balance Due:	\$250.00

TERMS: Payable upon receipt. Accounts 30 days past due will bear a finance charge of 1.5% per month. Accounts unpaid after 90 days agree to pay all collection costs, including reasonable attorney's fees. Contact us to correct payment errors. No adjustments will be made after 90 days. For more information on charges related to our services please consult <http://www.veritext.com/services/all-services/services-information>

Pay by Check - Remit to:
 Veritext
 P.O. Box 71303
 Chicago IL 60694-1303
 Fed. Tax ID: 20-3132569

Pay By ACH (Include invoice numbers):
 A/C Name: Veritext
 Bank Name: BMO Harris Bank
 A/C #: 4353454 ABA: 071000288
 SWIFT: HATTRUS44
 Pay by Credit Card: www.veritext.com

Invoice #: 5623145
Invoice Date: 3/5/2022
Balance Due: \$250.00

784565-79721 WSS

Bushman Reporting, A Veritext CompanyTel. 800-556-8974 Email: Cs-ar@veritext.com
Fed. Tax ID: 20-3132569

Bill To: Stuart Jackson
 Wright Lindsey & Jennings LLP
 200 W Capitol Ave
 Ste 2300
 Little Rock, AR, 72201-3605

Invoice #: 5623489
 Invoice Date: 3/6/2022
 Balance Due: \$715.90

Case: O'dell, Jana v. Qualscript, LLC, Et Al. (4:21CV260LPR)

Proceeding Type: Depositions

Job #: 5094468 | Job Date: 2/16/2022 | Delivery: Normal

Location: Little Rock, AR

Billing Atty: Stuart Jackson

Scheduling Atty: Stuart Jackson | Wright Lindsey & Jennings LLP

Witness: Jana O'Dell	Quantity	Amount
Original with 1 Certified Transcript	103.00	\$545.90
Litigation Package-Secure File Suite	1.00	\$35.00
Attendance (Add'l Hours)	Quantity	Amount
Attendance (First 2 Hours)	1.00	\$100.00

Notes:

Invoice Total:	\$715.90
Payment:	\$0.00
Credit:	\$0.00
Interest:	\$0.00
Balance Due:	\$715.90

TERMS: Payable upon receipt. Accounts 30 days past due will bear a finance charge of 1.5% per month. Accounts unpaid after 90 days agree to pay all collection costs, including reasonable attorney's fees. Contact us to correct payment errors. No adjustments will be made after 90 days. For more information on charges related to our services please consult <http://www.veritext.com/services/all-services/services-information>

Pay by Check - Remit to:
 Veritext
 P.O. Box 71303
 Chicago IL 60694-1303
 Fed. Tax ID: 20-3132569

Pay By ACH (Include invoice numbers):
 A/C Name: Veritext
 Bank Name: BMO Harris Bank
 A/C #: 4353454 ABA: 071000288
 SWIFT: HATRUS44
 Pay by Credit Card: www.veritext.com

Invoice #: 5623489
 Invoice Date: 3/6/2022
 Balance Due: \$715.90

18656-79721

Bushman Reporting, A Veritext CompanyTel. 800-556-8974 Email: Cs-ar@veritext.com
Fed. Tax ID: 20-3132569

Bill To: Stuart Jackson
 Wright Lindsey & Jennings LLP
 200 W Capitol Ave
 Ste 2300
 Little Rock, AR, 72201-3605

Invoice #: 5631418
Invoice Date: 3/10/2022
Balance Due: \$375.00

Case: O'dell, Jana v. Qualscript, LLC, Et Al. (4:21cv260LPR)

Proceeding Type: Depositions

Job #: 5094468 | Job Date: 2/16/2022 | Delivery: Normal

Location: Little Rock, AR

Billing Atty: Stuart Jackson

Scheduling Atty: Stuart Jackson | Wright Lindsey & Jennings LLP

Witness: Jana O'Dell

	Quantity	Amount
Video - Initial Services	1.00	\$125.00
Video - Additional Hours	2.00	\$250.00

Notes:

Invoice Total: Payment: Credit: Interest: Balance Due:	\$375.00 \$0.00 \$0.00 \$0.00 \$375.00
--	--

TERMS: Payable upon receipt. Accounts 30 days past due will bear a finance charge of 1.5% per month. Accounts unpaid after 90 days agree to pay all collection costs, including reasonable attorney's fees. Contact us to correct payment errors. No adjustments will be made after 90 days. For more information on charges related to our services please consult <http://www.veritext.com/services/all-services/services-information>

Pay by Check - Remit to:
 Veritext
 P.O. Box 71303
 Chicago IL 60694-1303
 Fed. Tax ID: 20-3132569

Pay By ACH (Include invoice numbers):

A/C Name: Veritext
 Bank Name: BMO Harris Bank
 A/C #: 4353454 ABA: 071000288
 SWIFT: HATRUS44

Pay by Credit Card: www.veritext.com

Invoice #: 5631418
Invoice Date: 3/10/2022
Balance Due: \$375.00

Bushman Reporting, A Veritext Company

Tel. 800-556-8974 Email: Cs-ar@veritext.com
 Fed. Tax ID: 20-3132569



Bill To: Stuart Jackson
 Wright Lindsey & Jennings LLP
 200 West Capitol
 Ste 2300
 Little Rock, AR, 72201-3605

Invoice #: 5687351
Invoice Date: 4/1/2022
Balance Due: \$135.20

Case: JANA O'DELL V. QUALESCRIPT LLC, GAYLE FAGGETT AND PAT MCCARVER (4:21cv260LPR)

Proceeding Type: Depositions

Job #: 5126833 | Job Date: 3/10/2022 | Delivery: Normal

Location:

Billing Atty: Stuart Jackson

Scheduling Atty: Josh Sanford | Sanford Law Firm PLLC

Witness: Gayle Faggett	Quantity	Amount
Certified Transcript	58.00	\$95.70
Exhibits	18.00	\$4.50
Litigation Package-Secure File Suite	1.00	\$35.00

Notes:	Invoice Total: \$135.20
	Payment: \$0.00
	Credit: \$0.00
	Interest: \$0.00
	Balance Due: \$135.20

TERMS: Payable upon receipt. Accounts 30 days past due will bear a finance charge of 1.5% per month. Accounts unpaid after 90 days agree to pay all collection costs, including reasonable attorney's fees. Contact us to correct payment errors. No adjustments will be made after 90 days. For more information on charges related to our services please consult <http://www.veritext.com/services/all-services/services-information>

Pay by Check - Remit to:
 Veritext
 P.O. Box 71303
 Chicago IL 60694-1303
 Fed. Tax ID: 20-3132569

Pay By ACH (Include Invoice numbers):
 A/C Name: Veritext
 Bank Name: BMO Harris Bank
 A/C #: 4353454 ABA: 071000288
 SWIFT: HATRUS44
 Pay by Credit Card: www.veritext.com

Invoice #: 5687351
Invoice Date: 4/1/2022
Balance Due: \$135.20